

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

VS.

FRANCISCO ALCARAZ

Defendant,

2:13-cr-00189-KJD-CWH

MINUTES OF THE COURT

Dated: February 9, 2015

PRESENT:

THE HONORABLE **KENT J. DAWSON, U.S. DISTRICT JUDGE**

DEPUTY CLERK: DENISE SAAVEDRA

COURT REPORTER: PATTY GANCI (A.M.) & KATHY EISMANN (P.M.)

PRESENT FOR PLAINTIFF: ALEXANDRA MICHAEL, AUSA & NICHOLAS  
DICKINSON, AUSA

PRESENT FOR DEFENDANT: MICHAEL KIMBRELL AND DANIEL HILL

JURY TRIAL - DAY 1

Proceedings begin at 9:16 a.m. Defendant is present. Special Agent Michael LaRusso is present as case agent.

The Court reviews preliminary matters prior to prospective jurors being present. Accordingly as said on the record, the Court hereby adopts and affirms the Magistrate's recommendation to Deny [104] Motion to Suppress. IT IS ORDERED that [131] Government's Motion in Limine to exclude introduction of alleged self-defense, is GRANTED. IT IS HEREBY ORDERED that Motion to exclude Government's witness Leo Williams testimony[143], is DENIED. IT IS HEREBY ORDERED that Motion to Dismiss Counts Three [148], is DENIED. IT IS HEREBY ORDERED that Motion to Sever [42] is DENIED, it had been previously heard and Denied. The Court will withhold ruling on Motion to Exclude Defendant's DNA Expert witness Libby Johnson [119].

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46 Proposed jurors enter the Courtroom at 9:38 a.m. and are sworn. Voir Dire begins.

Proceedings recess from 10:51 a.m.-12:05 p.m.

Counsel exercise peremptory challenges. 14 jurors are seated and sworn. The Court admonishes the jury.

Proceedings recess from 12:21 p.m.-1:43 p.m.

The Court addresses Motion to exclude witness, 911 recordings and authenticating witness of recordings. The Court finds that there is no prejudice to the admission. The admission is under rule 803 and they both qualify.

Jury is present at 1:47 p.m.

Ms. Michael presents the Government's opening statement.

Mr. Kimbrell presents the Defendant's opening statement.

**Officer D. Brisendine** is sworn to testify as a witness for the Government. Mr. Dickinson examines the witness. Government exhibits 1-1 to 1-18 are marked and admitted. Mr. Dickinson passes the witness for cross examination. Mr. Hill cross examines the witness. The witness is excused.

**Officer Duke** is sworn to testify as a witness for the Government. Ms. Michael examines the witness. Ms. Michael passes the witness for cross examination. Mr. Hill cross examines the witness. After further examination by Ms. Michael and Mr. Hill, the witness is excused.

Proceedings recess from 3:00 p.m.-3:25 p.m.

**Deborah Whetstone** is sworn to testify as a witness for the Government. Mr. Dickinson examines the witness. Government exhibits 5 is marked and admitted. The witness is excused.

**Detective R. Orth** is sworn to testify as a witness for the Government. Ms. Michael examines the witness. Government exhibits 7 and 14 are marked and admitted. Ms. Michael passes the witness for cross examination. Mr. Hill cross examines the witness. After further examination by Ms. Michael, the witness is excused.

**Detective J. Stearns** is sworn to testify as a witness for the Government. Mr. Dickinson examines the witness. Government exhibit 4 and 19 are marked and admitted. Mr. Dickinson passes the witness for cross examination. Mr. Hill cross examines the witness, The witness is excused.

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**Officer S. Corry** is sworn to testify as a witness for the Government. Mr. Dickinson examines the witness. Government exhibit 2-1 through 2-15 are marked and admitted. Mr. Dickinson passes the witness for cross examination. Mr. Hill cross examines the witness, The witness is excused.

Jurors are admonished.

Outside the presence of the Jury, Government counsel inform the Court that they will be calling Detective Orth in relation to his testimony about the second two events.

Proceedings recess at 4:38 p.m.

**IT IS ORDERED** that the jury trial is continued to Tuesday, February 9, 2015 at 9:30 AM.

**LANCE S. WILSON, CLERK**  
**UNITED STATES DISTRICT COURT**

/s/ Denise Saavedra  
DEPUTY CLERK